

PUGET SOUND

AIR

POLLUTION

CONTROL

AGENCY

KING COUNTY

KITSAP COUNTY

PIERCE COUNTY

SNOHOMISH COUNTY

May 16, 1995

RECEIVED

Certified Mail No. P 783 613 229

Ash Grove Cement Company c/o Edwin S. Pierce Jr., Reg. Agent 3801 East Marginal Way South Seattle, Washington 98134 MAY 1 7 1995

AGCW-SEATTLE

Dear Mr. Pierce:

Ash Grove Cement Company
Civil Penalty No. 8180 (amended)
Notice of Disposition on Application for Relief from Penalty

Reference is made to your Request for Mitigation that this Agency received on April 17, 1995. Your request has been reviewed and the Agency agrees to remove Section 9.20 from the civil penalty. Therefore, enclosed is a copy of Civil Penalty No. 8180 (amended).

In accordance with RCW 43.21B.300 and 70.94.431, thirty (30) days after your receipt of this Notice of Disposition on Application for Relief from Penalty, the Civil Penalty becomes due and payable in the full amount of \$2,000.00 unless appealed to the Washington State Pollution Control Hearings Board (PCHB), with a copy of such appeal being presented to this Agency, within the aforementioned thirty (30) day period.

Also enclosed is a brochure, published by the PCHB, that is an informal guide to your rights and responsibilities in an appeal. If you have questions, or would like to discuss settlement of this penalty further, please call me at 689-4053.

Sincerely,

James L. Nolan

Director - Compliance

1h

Enclosures

cc: Gerald J. Brown

Manager, Safety & Environment Ash Grove Cement Company 3801 East Marginal Way South Seattle, Washington 98134

Dennis J. McLerran, Air Pollution Control Officer

BOARD OF DIRECTORS

V'

Chairman: Win Granlund, Commissioner, Kitsap County Janet Chalupnik, Member at Large Edward D. Hansen, Mayor, Everett Lynn S. Horton, Mayor, Bremerton R.C. Johnson, Councilman, Snohomish County Gary Locke, King County Executive Harold G. Moss, Mayor, Tacoma Norman B. Rice, Mayor, Seattle Doug Sutherland, Pierce County Executive

PUGET SOUND AIR POLLUTION CONTROL AGENCY a municipal corporation of the state of Washington 110 Union Street, Suite 500)
Seattle, Washington 98101-2038) NO. 8180
) *AMENDED*
VS)
)
ASH GROVE CEMENT COMPANY) NOTICE AND ORDER
c/o Edwin S. Pierce Jr., Registered Agent) OF CIVIL PENALTY
3801 East Marginal Way South)
Seattle, Washington 98134)
	_)

You are hereby notified that, pursuant to RCW 70.94, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of \$2,000.00 is assessed against you. The violations are as follows:

On or about the 23rd day of January 1995, in King County, state of Washington, you violated Sections* 9.11(a) and 9.15(c) of Regulation I. Section 9.11(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property." Section 9.15(c) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control equipment."

<u>Time</u> 3:00 p.m.

Some wife

Description

<u>N/V #</u> 32844

Caused or allowed the fallout and subsequent deposition of raw feed on neighboring property that was detrimental to persons/property; and caused or allowed the emission of fugitive dust from the upper and lower cowling of the east end of the kiln during startup at 3801 East Marginal Way South in Seattle, Washington.

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for appeal procedures.)

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

Dated this	16th	day of	May	1995

Depnis J. McLerran

Air Pollution Control Officer

Certified Mail No. P 783 613 229

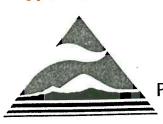
ASH GROVE CEMENT COMPANY

"WESTERN REGION"

3801 EAST MARGINAL WAY, SOUTH SEATTLE, WA 98134 PLANT OFFICE: (206) 623-5596 FAX: (206) 623-5355

TELECOPIER TRANSMISSION REPORT

DATE:	5-16-95
то:	Ken Rone
COMPANY:	
FROM:	Ed Pierce
SUBJECT:	PSAPCA NOV'S 11-93 to 1-95
	PAGES (including cover): 8



PUGET

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POLLUTION

principal and the state of the

CONTROL

AGENCY

KING COUNTY

KITSAP COUNTY

PIERCE COUNTY

SNOHOMISH COUNTY

RECEIVED

May 11, 1995

MAY 1 2 1995

AGCW-SEATTLE

Gerald Brown Manager, Safety & Environmental Ash Grove Cement Company 3801 E. Marginal Wy S. Seattle, WA 98134

Dear Mr. Brown:

Notices of Violation No. 32848, 32849, 32850, 33657, 33658, and 33659

Enclosed are the Notices of Violation as recorded in Table 4 of the Ash Grove Cement Company letter dated March 29, 1995. The citations have been issued for CEM Violations of opacity, sulfur dioxide, nitrogen dioxide, and carbon monoxide. These notices cover the period of November 1993 through January 1995.

If you would like to schedule an office conference at PSAPCA to discuss these Notices of Violation, please submit a written request in within thirty days of receipt of the violations.

Thank you for your cooperation in this matter.

Sincerely,

Elizabeth M. Gilpin Air Pollution Inspector

hul & Plasta for

cc:

David S. Kircher, PSAPCA Jay M. Willenberg, PSAPCA Fred L. Austin, PSAPCA Rosemary G. Busterna, PSAPCA

₂ EMG/cbc

Dennis J. McLerran, Air Pollution Control Officer

DIRECTORS O F

Chairman: Win Granlund, Commissioner, Kitsap County Janet Chalupnik, Member at Large Edward D. Hansen, Mayor, Everett

Lynn S. Horton, Mayor, Bremerton R.C. Johnson, Councilman, Snohomish County Gary Locke, King County Executive

Harold G. Moss, Mayor, Tacoma Norman B. Rice, Mayor, Seattle Doug Sutherland, Pierce County Executive

PUGET SOUND AIR POLLUTION CONTROL AGENCY 110 Union Street, Suite 500, Seattle, Washington 98101-2038 Registration No. 11339 206-343-8800 / 1-800-552-3565 / Fax 206-343-7522 N_0 . 32850 Cert. Mail No. OF VIOLATION Responsible Person, Title Gerry Brown Environm. Manager Ash Grove Cement Co. County Zip City Location of Violation (Address) 3801 F Marginal City, State 206) 623-5596 Seattle, Wa. 11 11 DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF: OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR: REGULATION Failure to develop and implement an operation and maintenance plan. Section 5.05(e) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source. Section 6.03(a) Failure to meet conditions of an Order of Approval. Section 6.09(b) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour. Section 9.03(a) Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.04 Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.11(a) Emission of odor-bearing air contaminants without use of best available control technology. Section 9.12(b) Emission of fugitive dust without use of best available control technology. Section 9.15(a) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage. Section 9.15(b) Emission of fugitive dust from manufacturing process equipment or control apparatus. Section 9.15(c) Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack. Section 9.16 Failure to operate and maintain equipment in good working order. Section 9.20 Section Section FACTS ALLEGED TO CONSTITUTE A VIOLATION Failure to meet the requirements of condition number 6(c) Notice of Construction number 5730: 50, 180/ppm 10% 0, 1 Hr. AVE CORRECTIVE ACTION ORDER Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following necessary corrective action: to ensure continuous compliance and operate equipment

Signing this Notice is not a Conicion of suit

Ash Grove Cement Co.

Registration No. 11339

Cert. Mail No. Z

Name

0000

PUGET SOUND AIR POLLUTION CONTROL AGENCY 110 Union Street, Suite 500, Seattle, Washington 98101-2038

206-343-8800 / 1-800-552-3565 / Fax 206-343-7522

Responsible Person, Title

No. 32849

Gerry Brown Environm. Manager

cation of Violation (Address)	City	Zip	County
380 E Marginal Wy So.	Seattle	98134	King
iling Address	City, State	Zip	Phone J
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	Seattle, Wn.	i)	(206) 623-559
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PUGET SOUND AIR POLLUTION CONTROL AGENCY 110 Union Street, Suite 500, Seattle, Washington 98101-2038 Registration No. 206-343-8800 / 1-800-552-3565 / Fax 206-343-7522 N_0 . 32848 Cert. Mail No. Jan 95 per attached table #4. Responsible Person, Title Name Brown Environm. Manager Ash Grove Cement Co. County Location of Violation (Address) 98134 Marginal 3801 Zip City, State **Mailing Address** Scattle, Wa. 98134 3801 E. Marginal Wy. 50. DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF: OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR: REGULATION Failure to develop and implement an operation and maintenance plan. Section 5.05(e) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source Section 6.03(a) Failure to meet conditions of an Order of Approval. Section 6.09(b) Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour. Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.03(a) Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.04 Section 9.11(a) Emission of odor-bearing air contaminants without use of best available control technology. Section 9.12(b) Emission of fugitive dust without use of best available control technology. Section 9.15(a) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage. Section 9.15(b) Emission of fugitive dust from manufacturing process equipment or control apparatus. a Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack. Section 9.15(c) Section 9.16 Failure to operate and maintain equipment in good working order. Section 9.20 Section CORRECTIVE ACTION ORDER Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following and operate Received By

Signing this Notice is not an admission of guilt AGCS2M000311

PUGET SOUND AIR POLLUTION CONTROL AGENCY 110 Union Street, Suite 500, Seattle, Washington 98101-2038 Registration No. 1133 206-343-8800 / 1-800-552-3565 / Fax 206-343-7522 No. 33659 780129 Cert. Mail No. 2 95 per affacted table # 4. 19 Responsible Person, Title Gerry Brown Environm. Manager Ash Grave Cement Co. City Zip County Location of Violation (Address) Marginal Wy. So. Seattle 11 (206) 632-5596 Seattle, WA. 98134 DID UNLAWFULLY CAUSE OR ALLOW VIOLATION OF: OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY FOR: REGULATION Failure to develop and implement an operation and maintenance plan. Section 5.05(e) Section 6.03(a) Failure to obtain Notice of Construction approval prior to construction/installation/establishment of a source. Section 6.09(b) Failure to meet conditions of an Order of Approval. Visible emissions in excess of 20% opacity for periods aggregating more than 3 minutes/hour. Section 9.03(a) Particulate matter deposited in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.04 Emission of air contaminant in quantities/characteristics/duration so as to be injurious or interfere with enjoyment of life/property. Section 9.11(a) Emission of odor-bearing air contaminants without use of best available control technology. Section 9.12(b) Emission of fugitive dust without use of best available control technology. Section 9.15(a) Operation of vehicle on paved public roadway with dirt/mud/debris on undercarriage (track out) or load spillage. Section 9.15(b) Emission of fugitive dust from manufacturing process equipment or control apparatus. Section 9.15(c) Q Section 9.16 Failure to apply VOC-containing material using spray equipment in an enclosed area with filtered exhaust and vertical stack. Section 9.20 Failure to operate and maintain equipment in good working order. Section FACTS ALLEGED TO CONSTITUTE A VIOLATION Failure to meet the requirements of Condition number 6(A) Notice of Construction number 57301; CO 1049 ppm 10% 0. 8 hr Ave. 15 exceedences total. CORRECTIVE ACTION ORDER Under the provisions of Section 3.09 of Regulation I and RCW 70.94.211 you are ordered to submit a written report within ten (10) days of receipt of this Notice describing the necessary corrective action you have taken or propose to take, including a schedule, to achieve continuous compliance with the regulations, and take the following and operate equipment to ensure continuous

Form No. 70-119 (Revised 9/93)

Signing this Notice is not an admission of guilt

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	11		ון	Seattle, Wa	. 11	(206)632-	5596
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Form	n No. 70-119 (Revised	19/93)	~			AGCOZIVIO	,0010

	gistration No. 11339 t. Mail No. 2704	78029	110 Union Street, Suite 500 206-343-8800 / 1-800-	LUTION CONTROL AC 0, Seattle, Washington 98101-2036 552-3565 / Fax 206-343-7522 F VIOLATIO	B	o. 33657	
Date	of Violation: NOV		n '95 per attache			at	m
	ame	12 INTOUGH JA	W. 12 ker allagu	Responsible Person,	Title		
		ve Cement	Co.			im. Manager	
L	ocation of Violation (Ad	dress)		City	Zip	County	
	3801 E.	Marginal 1	Ny. So.	Seattle	98134	King	
M	Iailing Address	0		City, State	Zip	Phone 0	
	//		Ŋ	Seattle, Wa	- _A	(206)632-55	96
	Section 5.05(e) Section 6.03(a) Section 6.09(b) Section 9.03(a) Section 9.04 Section 9.11(a) Section 9.12(b) Section 9.15(a) Section 9.15(c) Section 9.16 Section 9.20 Section	Failure to obtain Notice Failure to meet conditio Visible emissions in exc Particulate matter depos Emission of air contami Emission of odor-bearin Emission of fugitive dus Operation of vehicle on Emission of fugitive dus Failure to apply VOC-co	ns of an Order of Approval. sess of 20% opacity for perior ited in quantities/characterist nant in quantities/characterist g air contaminants without u st without use of best availab paved public roadway with out the from manufacturing proces	ds aggregating more than 3 minute tics/duration so as to be injurious of tics/duration so as to be injurious of tics/duration so as to be injurious of the se of best available control techno- le control technology. dirt/mud/debris on undercarriage (to the sequipment or control apparatus. The sequipment in an enclosed area we	es/hour. or interfere with enjoy or interfere with enjoy logy. rack out) or load spil	rment of life/property. If yment of life/property.	
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the	necessary corrective actions	n you have taken or propose	to take, including a schedul	ered to submit a written report with e, to achieve continuous compliant	ce with the regulation	ns, <u>and</u> take the following	ibing PCC
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Received By __

Signing this Notice is not an admission of guilt AGCS2M000314

Issued By Form No. 70-119 (Revised 9/93)

PUGET SOUND AIR POLLUT. I CONTROL AGENCY
a municipal corporation of the state of Washington
110 Union Street, Suite 500
Seattle, Washington 98101-2038

ASH GROVE CEMENT COMPANY
c/o Edwin S. Pierce Jr., Registered Agent
3801 East Marginal Way South
Seattle, Washington 98134

You are hereby notified that, pursuant to RCW 70.94, you have violated Regulation I of the Puget Sound Air Pollution Control Agency and a penalty of \$2,000.00 is assessed against you. The violations are as follows:

On or about the 23rd day of January 1995, in King County, state of Washington, you violated Sections 9.11(a), 9.15(c), and 9.20 of Regulation I. Section 9.11(a) states: "It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property." Section 9.15(c) states: "It shall be unlawful for any person to cause or allow the emission of fugitive dust from any refuse burning equipment, fuel burning equipment, equipment used in a manufacturing process, or control equipment." Section 9.20 states: "(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order. (b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control equipment not subject to Section 9.20(a) unless the equipment or control equipment is maintained in good working order."

<u>Time</u> 3:00 p.m.

Caused or allowed the fallout and subsequent deposition of raw feed on neighboring property that was detrimental to persons/property; caused or allowed the emission of fugitive dust from the upper and lower cowling of the east end of the kiln during startup; and caused or allowed the plugging of the 2nd stage calcine preheater at 3801 East Marginal Way South in Seattle, Washington.

<u>N/V #</u> 32844

Such penalty is due and payable within thirty (30) days of receipt of this notice, unless within such time a request for hearing is filed. (See reverse side for appeal procedures.)

If such penalty is not paid on or before the last mentioned date, or a request for hearing has not been made to the Pollution Control Hearings Board of Washington and the Air Pollution Control Officer, action will be commenced in court to recover such penalty.

the Air penalty.		Control	Officer,	action	will	be	commenced	in	court	to	recover	suc
Dated th	is 10tl	h day o	£	April			1995.					

Dennis J. McLerran

Kir Pollution Control Officer

Certified Mail No. P 112 430 561

ASH GROVE CEMENT COMPANY



April 13, 1995

Mr. James Nolan Puget Sound Air Pollution Control Agency 110 Union Street, Suite 200 Seattle, WA. 98119-3958

Request for "Mitigation"
NOTICE AND ORDER OF CIVIL PENALTY No. 8180

Dear Mr. Nolan,

Ash Grove Cement Company firmly believes that the January 23, 1995 event should have been considered unavoidable under WAC 173-400-107 for reasons stated in previous correspondence to PSAPCA. (Please refer to: Mr. Fernow's letter of April 6, 1995 and Mr. Brown's letter of February 3 to Fred Austin)

In the spirit of settlement, however, Ash Grove is willing to agree to the proposed penalty provided that PSAPCA revises the Notice and Order of Civil Penalty No. 8180 to withdraw the allegation that Ash Grove violated Section 9.20 of Regulation I. PSAPCA has no basis for alleging that Ash Grove failed to maintain its equipment in good working order. Ash Grove believes this reference to be misleading, unfounded and a misrepresentation of the true condition and method of operation of the Seattle Plant.

Ash Grove recognizes and sincerely regrets that this event occurred. We have and will continue to maintain our equipment according to the highest industry standards and operate the Seattle Plant with the greatest regard for our neighbors and our community.

Sincerely,

Gerald J. Brown

Manager, Safety and Environment

Copy: E. Pierce

H. Steuch

M. Cohen



PUGET SOUND

AIR

POLLUTION

CONTROL

AGENCY

KING COUNTY

KITSAP COUNTY

PIERCE COUNTY

SNOHOMISH COUNTY

April 18, 1995

Rec! 8 4-24-95 EV

Ash Grove Cement Company c/o Gerald J. Brown, Manager, Safety & Environment 3801 East Marginal Way South Seattle, WA 98134

Dear Mr. Brown:

Ash Grove Cement Company
Application for Relief (Remission or Mitigation)
Notice and Order of Civil Penalty No. 8180

This is to acknowledge receipt by this Agency of the aforementioned Application for Remission or Mitigation on April 17, 1995. The appeal process is suspended until the Agency responds to your application.

The Application will be evaluated pursuant to the requirement of Section 3.11(c) of PSAPCA's Regulation I that provides:

"Upon receipt of the application, the Control Officer shall remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty."

A Notice of Disposition on the Application for Relief from Penalty will be forthcoming. Thank you.

Very truly yours,

James L. Nolan

Director - Compliance

JLN:dly

cc: Laurie Halvorson/Agency Counsel

Accounting
Elizabeth Gilpin
Rosemary Busterna

Dennis J. McLerran, Air Pollution Control Officer

BOARD OF DIRECTORS

Chairman: Win Granlund, Commissioner, Kitsap County Janet Chalupnik, Member at Large Edward D. Hansen, Mayor, Everett Lynn S. Horton, Mayor, Bremerton R.C. Johnson, Councilman, Snohomish County Gary Locke, King County Executive Harold G. Moss, Mayor, Tacoma Norman B. Rice, Mayor, Seattle Doug Sutherland, Pierce County Executive